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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 09/996,131 | 11/28/2001 | John William Sweitzer | AUS920010638US1 | 1427 |

40412 7590 07/27/2005

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EXAMINER

WONG, LESLIE

ART UNIT PAPER NUMBER

2167

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/996,131

Applicant(s)

SWEITZER ET AL.

Examiner

Leslie Wong

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05/04/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10-14 and 16-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10-14 and 16-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-8, 10-14, and 16-23 are rejected under 35 U.S.C. 102(e) as being **Peterson et al.** ("Peterson") by (US 6327551 B1).

Regarding claims 1, 8, and 14, **Peterson** teaches a method, an information handling system, and a computer program product for developing topography based management systems, said method comprising:

- a). analyzing a topography design corresponding to a topography (col. 1, lines 18-33; col. 2, lines 23-25);
- b). identifying one or more topography requirements based on the analysis (col. 2, lines 23-25; col. 6, lines 11-13; 22-26 and 58-65);
- c). creating topography components corresponding to the identified topography requirements, wherein each of the components is adapted to interoperate with one or more operating environments (col. 15, lines 30-41 and 60-64); and

d). storing component data in a topography data store, the component data describing one or more of the components (col. 6, lines 11-13 and col. 5, lines 6-25).

Regarding claims 3, 10, and 16, **Peterson** further teaches wherein at least one of the topography requirements is selected from the group consisting of a communication framework, a deployment mechanism, a security infrastructure, and an operation conduit (col. 15, lines 59-64).

Regarding claims 4, 11, and 17, **Peterson** further teaches wherein the component data includes one or more fields selected from the group consisting of a component identifier, a target platform, a development environment, a control model, a topography scale, a management style, a component dependency, a component placement, a component packaging data, a component bundling data, a component build option, and a component runtime option (col. 15, lines 59-64).

Regarding claims 5, 12, and 18, **Peterson** further teaches the steps of:

- a). saving each component in a component library (col. 16, lines 1-8);
- b). wherein the storing further includes writing a record in a database file, each record corresponding to a distinct component (col. 16, lines 1-8; col. 15, lines 30-42).

Regarding claims 6, 13, and 19, **Peterson** further teaches the steps of:

- a). identifying one or more client attributes corresponding to a client (col. 15, lines 30-41 and 60-64; col. 26, lines 43-46);
- b). comparing the identified client attributes to the topography components (col. 15, lines 30-41 and 60-64; col. 26, lines 43-46)); and
- c). selecting one or more topography components based on the comparing (col. 15, lines 30-41 and 60-64; col. 26, lines 43-46).

Regarding claims 7 and 20, **Peterson** further teaches installing the selected topographical components on one or more client computer system (col. 1, lines 37-43; col. 9, lines 35-37).

Regarding claims 21-23, **Peterson** further teaches the steps of:

- a). selecting one of the topography neutral application components (col. 15, lines 60-64; col. 16, lines 1-8); and
- b). installing a first copy of the selected topography neutral application component on a topology installation and a second copy of the selected topography neutral application component on a second topology installation wherein the first and second topology installations are dissimilar topologies (col. 9, lines 35-37).

Response to Argument

- 5. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rodrigues da Silva (US 6851104 B1)

Marshall et al. (US 20020087945 A1)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie Wong whose telephone number is (571) 272-4120. The examiner can normally be reached on Monday to Friday 9:30am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Art Unit: 2167

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A handwritten signature in black ink, appearing to read 'Leslie Wong', with a long horizontal stroke extending to the right.

Leslie Wong
Patent Examiner
Art Unit 2167

LW
July 25, 2005